

No. 77

# MICHIGAN SENATE

## DAILY CALENDAR

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SUNDAY, SEPTEMBER 27, 2009  
3:00 p.m.

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### MOTIONS

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1

(Consideration postponed until Friday, October 2.)

**HB 4316** Rep. Lisa Brown  
Torts; product liability; limitation on liability for drugs that have been approved by federal food and drug administration; rescind.  
Amends sec. 2946 of 1961 PA 236 (MCL 600.2946).  
**I.E. House, March 26, 2009.**  
**Motion to discharge Committee on Government Operations and Reform, Thursday, April 23.**

2

(Consideration postponed until Friday, October 2.)

**HB 4317** Rep. Kennedy  
Civil procedure; statute of limitations; drug product liability cases previously prohibited because of FDA approval defense; allow to be commenced within 3 years after repeal of the defense.  
Amends sec. 5805 of 1961 PA 236 (MCL 600.5805).  
**I.E. House, March 26, 2009.**  
**Motion to discharge Committee on Government Operations and Reform, Thursday, April 23.**

3

(Consideration postponed until Friday, October 2.)

**HB 4318** Rep. Slavens  
Consumer protection; unfair trade practices; liability for inaccurate representations concerning risks of certain drugs, medications, and supplements; clarify.  
Amends secs. 2 & 3 of 1976 PA 331 (MCL 445.902 & 445.903).  
**I.E. House, March 26, 2009.**  
**Motion to discharge Committee on Government Operations and Reform, Thursday, April 23.**

4

(Consideration postponed until Thursday, December 31.)

**SR 15** Sen. Whitmer  
A resolution to amend the Standing Rules of the Senate.  
**Motion to reconsider motion to discharge Committee on Government Operations and Reform, Thursday, May 7.**

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### THIRD READING OF BILLS

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5

**SB 216** Sen. Allen  
Liquor; licenses; continuing care retirement center liquor license; create.  
Amends secs. 525 & 537 of 1998 PA 58 (MCL 436.1525 & 436.1537) & adds sec. 545.  
**Reported by Committee on Economic Development and Regulatory Reform.**  
**Senate substitute (S-1).**  
**Committee recommended I.E.**

6

**SB 47** Sen. Kahn  
Health; pharmaceuticals; prescription drug website; provide for.  
Amends 1978 PA 368 (MCL 333.1101 - 333.25211) by adding sec. 9721.  
**Reported by Committee on Health Policy.**  
**Committee recommended I.E.**

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### GENERAL ORDERS

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7

**SB 35** Sen. Sanborn  
Civil procedure; statute of limitations; statute of limitations and statute of repose for actions against architects, engineers, and construction contractors; revise.  
Amends secs. 5805 & 5839 of 1961 PA 236 (MCL 600.5805 & 600.5839).  
**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

8

**SB 361** Sen. Gilbert  
Michigan business tax; gross receipts; phase-in of exclusion of tobacco taxes from the definition of gross receipts; eliminate.  
Amends sec. 111 of 2007 PA 36 (MCL 208.1111).  
**Reported by Committee on Finance.**  
**Committee recommended I.E.**

## GENERAL ORDERS

9

**SB 165** Sen. Barcia

Traffic control; accidents; procedure relating to obtaining crash reports; modify.

Amends secs. 621 & 622 of 1949 PA 300 (MCL 257.621 & 257.622).

**Reported by Committee on Transportation.**  
**Committee recommended I.E.**

10

**SB 388** Sen. Birkholz

Natural resources; other; state park, boating access site, and forest recreation passport fees; provide for distribution of revenue.

Amends secs. 2005, 2030, 2035, 74101, 74102a, 74116, 74117, 74122, 74123, 78105 & 83106 of 1994 PA 451 (MCL 324.2005 et seq.); adds secs. 1911 & 2045 & repeals secs. 1909 & 1910 of 1994 PA 451 (MCL 324.1909 & 324.1910).

**Reported by Committee on Natural Resources and Environmental Affairs.**  
**Senate substitute (S-4).**  
**Committee recommended I.E.**

11

**SB 389** Sen. Basham

Natural resources; other; state park, boating access site, and forest recreation passport; create.

Amends 1949 PA 300 (MCL 257.1 - 257.923) by adding sec. 805.

**Reported by Committee on Natural Resources and Environmental Affairs.**  
**Senate substitute (S-6).**  
**Committee recommended I.E.**

12

**SB 478** Sen. Sanborn

Corrections; other; report to legislature of status of offender tracking system; require.

Amends 1953 PA 232 (MCL 791.201 - 791.285) by adding sec. 7b.

**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

13

**SB 592** Sen. Kuipers

Education; financing; certain energy contracts; allow.

Amends sec. 1274a of 1976 PA 451 (MCL 380.1274a).

**Reported by Committee on Education.**  
**Committee recommended I.E.**

14

**SB 325** Sen. Basham

Crimes; other; installation or use of motor vehicle tracking device; prohibit under certain circumstances and provide penalty.

Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 539l.

**Reported by Committee on Judiciary.**  
**Committee recommended I.E.**

## GENERAL ORDERS

15

**HB 4514** Rep. Lahti

Income tax; credit; eligibility for state earned income tax credit; require taxpayer to be resident for at least 6 months.

Amends sec. 272 of 1967 PA 281 (MCL 206.272).

**I.E. House, March 18, 2009.**

**House substitute (H-1).**

**Reported by Committee on Finance.**

**Committee recommended I.E.**

16

**HB 4674** Rep. Mayes

Michigan business tax; credit; credit for anchor companies based on qualified new jobs created by certain suppliers and customers; revise.

Amends sec. 431a of 2007 PA 36 (MCL 208.1431a).

**I.E. House, May 5, 2009.**

**Reported by Committee on Commerce and Tourism.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

17

**SB 251** Sen. McManus

Appropriations; zero budget; department of natural resources; provide for fiscal year 2009-2010.

Creates appropriation act.

**Reported by Committee on Appropriations.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

18

**HB 4507** Rep. Espinoza

Natural resources; other; counties eligible for operation of off-road vehicles on road shoulders; expand.

Amends sec. 81131 of 1994 PA 451 (MCL 324.81131).

**I.E. House, March 24, 2009.**

**House substitute (H-1).**

**Reported by Committee on Natural Resources and Environmental Affairs.**

**Committee recommended I.E.**

19

**HB 4327** Rep. Young

Labor; fair employment practices; unpaid leave for pregnant law enforcement officers; prohibit.

Amends sec. 202 of 1976 PA 453 (MCL 37.2202).

**I.E. House, March 18, 2009.**

**Reported by Committee on Commerce and Tourism.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

20

**HB 4793** Rep. Byrum

Occupations; architects, professional engineers, and surveyors; licensing exam after graduation for architectural graduates; allow.

Amends secs. 2004 & 2005 of 1980 PA 299 (MCL 339.2004 & 339.2005).

**I.E. House, June 10, 2009.**

**House substitute (H-1).**

**Reported by Committee on Economic Development and Regulatory Reform.**

**Committee recommended I.E.**

## GENERAL ORDERS

21

**HB 4932** Rep. Rocca

Gaming; other; allowable value for coupons awarded in redemption games; increase.

Amends sec. 310b of 1931 PA 328 (MCL 750.310b).

**I.E. House, June 2, 2009.**

**House substitute (H-2).**

**Reported by Committee on Economic Development and Regulatory Reform.**

**Senate substitute (S-2).**

**Committee recommended I.E.**

22

**SB 670** Sen. Richardville

Transportation; funds; Michigan transportation fund; reclassify as a trust fund and restrict disposition of interest and earnings.

Amends sec. 10 of 1951 PA 51 (MCL 247.660).

**Reported by Committee on Transportation.**

**Committee recommended I.E.**

23

**HB 5086** Rep. Simpson

Economic development; renaissance zones; number of additional renaissance zones for agricultural processing facilities; increase.

Amends sec. 8c of 1996 PA 376 (MCL 125.2688c).

**I.E. House, June 25, 2009.**

**Reported by Committee on Agriculture and Bioeconomy.**

**Committee recommended I.E.**

24

**SB 636** Sen. Kuipers

Education; other; neighborhood public schools; create in school code.

Amends secs. 5, 1204a, 1230, 1230a, 1230b, 1230c, 1230d, 1230e, 1233, 1233b, 1246, 1277, 1278, 1280 & 1311 of 1976 PA 451 (MCL 380.5 et seq.) & adds pt. 6D & sec. 1701b.

**Reported by Committee on Education.**

**Committee recommended I.E.**

25

**SB 637** Sen. Cassis

Education; other; school aid act changes to provide funding for neighborhood public schools; provide for.

Amends secs. 3, 6, 8b, 18, 18b, 18c, 20, 31a, 51a, 101, 169 & 169b of 1979 PA 94 (MCL 388.1603 et seq.) & adds sec. 9.

**Reported by Committee on Education.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

26

**SB 638** Sen. Birkholz

Education; teachers; exemption from teacher tenure act for neighborhood public schools as defined in revised school code; provide for.

Amends sec. 1, art. I & sec. 1, art. III of 1937 (Ex Sess) PA 4 (MCL 38.71 & 38.91).

**Reported by Committee on Education.**

**Committee recommended I.E.**

## GENERAL ORDERS

27

**SB 639** Sen. Hardiman

Labor; public service employment; neighborhood public schools; provide for in public employment relations act.

Amends secs. 1 & 15 of 1947 PA 336 (MCL 423.201 & 423.215).

**Reported by Committee on Education.**

**Committee recommended I.E.**

28

**HB 4161** Rep. LeBlanc

Health; pharmaceuticals; prohibition on dispensing a prescription for a controlled substance received via electronic means from a physician prescriber in a state other than Michigan; remove.

Amends secs. 7405, 17708, 17751 & 17763 of 1978 PA 368 (MCL 333.7405 et seq.).

**I.E. House, June 17, 2009.**

**House substitute (H-1).**

**Reported by Committee on Health Policy.**

**Committee recommended I.E.**

29

**HB 4906** Rep. Ebli

Taxation; administration; streamlined sales and use tax administration act; provide for method to correct incorrect classification.

Amends sec. 25 of 2004 PA 174 (MCL 205.825).

**Reported by Committee on Finance.**

**Committee recommended I.E.**

30

**SB 553** Sen. Pappageorge

Human services; services or financial assistance; communication with providers regarding eligible individuals for energy assistance programs; require.

Amends sec. 7 of 1984 PA 34 (MCL 400.1207).

**Reported by Committee on Energy Policy and Public Utilities.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

31

**SB 555** Sen. Richardville

Human services; services or financial assistance; requirement for energy assistance payments to be directed to provider; provide for.

Amends 1984 PA 34 (MCL 400.1201 - 400.1217) by adding sec. 7a.

**Reported by Committee on Energy Policy and Public Utilities.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

32

**HB 4649** Rep. Horn

Human services; services or financial assistance; communication with providers regarding eligible individuals for energy assistance programs; require.

Amends sec. 7 of 1984 PA 34 (MCL 400.1207).

**I.E. House, March 31, 2009.**

**House substitute (H-1).**

**Reported by Committee on Energy Policy and Public Utilities.**

**Committee recommended I.E.**

## GENERAL ORDERS

33

**HB 4650** Rep. Spade

Human services; services or financial assistance; requirement for energy assistance payments to be directed to provider; provide for.

Amends 1984 PA 34 (MCL 400.1201 - 400.1217) by adding sec. 7a.

**I.E. House, March 31, 2009.**

**House substitute (H-2).**

**Reported by Committee on Energy Policy and Public Utilities.**

**Committee recommended I.E.**

34

**HB 5055** Rep. Bennett

Natural resources; inland lakes; permit conditions for marinas and other mooring structures; provide for.

Amends secs. 30101, 30102, 30103 & 30104 of 1994 PA 451 (MCL 324.30101 et seq.) & adds sec. 30106a.

**I.E. House, September 15, 2009.**

**House substitute (H-1).**

**Reported by Committee on Natural Resources and Environmental Affairs.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

35

**HB 5221** Rep. Bennett

Environmental protection; pollution prevention; laboratory recognition program; eliminate.

Repeals pt. 205 of 1994 PA 451 (MCL 324.20501 - 324.20519).

**I.E. House, September 15, 2009.**

**Reported by Committee on Natural Resources and Environmental Affairs.**

**Committee recommended I.E.**

36

**HB 5222** Rep. Bennett

Water; other; groundwater dispute resolution program; eliminate.

Repeals pt. 317 of 1994 PA 451 (MCL 324.31201 - 324.31713).

**I.E. House, September 15, 2009.**

**House substitute (H-1).**

**Reported by Committee on Natural Resources and Environmental Affairs.**

**Committee recommended I.E.**

37

**HB 5223** Rep. Bennett

Environmental protection; water pollution; water discharge fees; index to rate of inflation.

Amends secs. 3118 & 3120 of 1994 PA 451 (MCL 324.3118 & 324.3120).

**I.E. House, September 16, 2009.**

**House substitute (H-2).**

**Reported by Committee on Natural Resources and Environmental Affairs.**

**Committee recommended I.E.**

## GENERAL ORDERS

38

**SB 852** Sen. Birkholz

Energy; alternative sources; renewable energy and energy efficiency grant and loan program; create, and establish restricted fund.

Creates new act.

**Reported by Committee on Energy Policy and Public Utilities.**

**Committee recommended I.E.**

39

**HB 4386** Rep. Johnson

Public utilities; consumer services; penalties for violation of shutoff procedures; allow commission to establish.

Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9h.

**I.E. House, March 31, 2009.**

**House substitute (H-1).**

**Reported by Committee on Energy Policy and Public Utilities.**

**Committee recommended I.E.**

40

**HB 4655** Rep. Wayne Schmidt

Public utilities; consumer services; investigation of any shutoffs that result in death or serious injury; allow commission to conduct.

Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9m.

**I.E. House, March 31, 2009.**

**House substitute (H-1).**

**Reported by Committee on Energy Policy and Public Utilities.**

**Committee recommended I.E.**

41

**HB 4656** Rep. Mayes

Public utilities; municipal utilities; enforcement mechanism for violations by a municipally owned utility; provide for.

Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9p.

**I.E. House, March 31, 2009.**

**House substitute (H-2).**

**Reported by Committee on Energy Policy and Public Utilities.**

**For Senate amendment, see Senate Journal No. 75, page 1559.**

**Committee recommended I.E.**

42

**HB 4658** Rep. Neumann

Public utilities; consumer services; requirement for providers to determine whether a customer is a senior citizen; require.

Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9o.

**I.E. House, March 31, 2009.**

**House substitute (H-2).**

**Reported by Committee on Energy Policy and Public Utilities.**

**Committee recommended I.E.**

## GENERAL ORDERS

43

**HB 4659** Rep. Sheltroun

Public utilities; consumer services; shutoff notice requirement for municipally owned utilities; establish.

Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9n.

**I.E. House, March 31, 2009.**

**House substitute (H-3).**

**Reported by Committee on Energy Policy and Public Utilities.**

**For Senate amendments, see Senate Journal No. 75, page 1560.**

**Committee recommended I.E.**

44

**HB 4673** Rep. Mayes

Public utilities; consumer services; public service commission rules on shutoffs; require municipally owned utilities to comply with.

Amends 1939 PA 3 (MCL 460.1 - 460.11) by adding sec. 9q.

**I.E. House, March 31, 2009.**

**House substitute (H-3).**

**Reported by Committee on Energy Policy and Public Utilities.**

**For Senate amendment, see Senate Journal No. 75, page 1561.**

**Committee recommended I.E.**

45

**HB 5127** Rep. Simpson

Agriculture; animals; regulation of livestock animal health and welfare; provide for.

Amends 1988 PA 466 (MCL 287.701 - 287.745) by adding sec. 8a.

**House substitute (H-4).**

**Reported by Committee on Agriculture and Bioeconomy.**

**Senate substitute (S-2).**

46

**HB 4191** Rep. Warren

Income tax; deductions; tax incentive for charitable contributions to the advance tuition payment fund; provide for.

Amends sec. 30 of 1967 PA 281 (MCL 206.30).

**I.E. House, April 29, 2009.**

**Reported by Committee on Finance.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

## GENERAL ORDERS

47

**HB 4629** Rep. Lipton

Michigan business tax; deductions; adjustment to business income tax base for charitable contributions made to the advance tuition payment fund under the Michigan education trust act; provide for.

Amends sec. 201 of 2007 PA 36 (MCL 208.1201).

**I.E. House, April 29, 2009.**

**For House amendment, see Senate Journal No. 35, page 730.**

**Reported by Committee on Finance.**

**Senate substitute (S-1).**

**Committee recommended I.E.**

## RESOLUTIONS

48

**SR 41** Sen. Cropsey

A resolution to urge the Michigan Department of Corrections to implement nondenominational prison congregation programs within our prisons.

**Reported by Committee on Judiciary.**

**For text of resolution, see Senate Journal No. 32, page 591.**

**Adoption pending.**

49

**SR 75** Sen. Patterson

A resolution to extend subpoena power to the Senate Judiciary Committee.

**Motion to suspend rules postponed, Wednesday, August 26.**

**For text of resolution, see Senate Journal No. 65, page 1325.**

**Rules suspension pending.**

## SCHEDULED MEETINGS

**Commerce and Tourism** - Sunday, September 27, 4:00 p.m., and Tuesday, September 29, 2:30 p.m., Room 100, Farnum Building (373-2413)

**Conference Committees -**

**Environmental Quality/Natural Resources (HB 4446)** - Tuesday, September 29, 2:00 p.m., Room 426, Capitol Building (373-8080)

**Human Services (SB 248)** - Sunday, September 27, 2:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Legislative Retirement Board of Trustees** - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)



**BILLS IN CONFERENCE**

Bill No.	Brief Title	Conferees		Report Agreed to	
		Senate	House	Senate	House
SB 237	Appropriations; zero budget; department of agriculture; provide for fiscal year 2009-2010.	Brown Jelinek Scott	Espinoza McDowell Lori	9/25/2009	9/25/2009
SB 243	Appropriations; zero budget; department of energy, labor, and economic growth; provide for fiscal year 2009-2010.	Jansen George Scott	Hammel Switalski Rogers	9/24/2009	9/25/2009
SB 245	Appropriations; zero budget; general government; provide for fiscal year 2009-2010.	Pappageorge Jansen Cherry	Durhal Cushingberry Rogers		
SB 247	Appropriations; zero budget; department of history, arts, and libraries; provide for fiscal year 2009-2010.	George Brown Clark-Coleman			
SB 248	Appropriations; zero budget; department of human services; provide for fiscal year 2009-2010.	Hardiman Kahn Scott	Spade Tlaib Agema		
SB 249	Appropriations; zero budget; judiciary; provide for fiscal year 2009-2010.	Cropsey Kahn Brater	Tlaib Terry Brown Schuitmaker	9/24/2009	9/25/2009
SB 250	Appropriations; zero budget; department of military and veterans affairs; provide for fiscal year 2009-2010.	Garcia Cropsey Barcia	LeBlanc Espinoza Genetski	9/24/2009	9/25/2009
SB 253	Appropriations; zero budget; department of state police; provide for fiscal year 2009-2010.	Garcia Cropsey Barcia	LeBlanc Espinoza Genetski		
SB 254	Appropriations; zero budget; department of transportation; provide for fiscal year 2009-2010.	Hardiman Cropsey Anderson	Gonzales LeBlanc Agema		
SB 290	Economic development; brownfield redevelopment authority; eligibility requirements; modify.	Allen Gilbert Clarke			
SB 293	Economic development; renaissance zones; eligibility requirements; modify.	Allen Gilbert Clarke			
SB 295	Economic development; obsolete property and rehabilitation; obsolete property rehabilitation act; modify eligibility requirements.	Allen Gilbert Clarke			
SB 296	Michigan business tax; other; historic preservation tax credit preferences and penalties under certain circumstances; provide for.	Allen Gilbert Clarke			
HB 4083	State financing and management; funds; strategic fund; modify eligibility requirements.	Allen Gilbert Clarke			
HB 4089	Economic development; Michigan economic growth authority; eligibility requirements; modify.	Allen Gilbert Clarke			

**BILLS IN CONFERENCE**

Bill No.	Brief Title	Conferees		Report Agreed to	
		Senate	House	Senate	House
HB 4092	Economic development; other; industrial development revenue bond act; modify eligibility requirements.	Allen Gilbert Clarke			
HB 4093	Economic development; plant rehabilitation; eligibility requirements; modify.	Allen Gilbert Clarke			
HB 4094	Economic development; other; transportation economic development fund; modify eligibility requirements.	Allen Gilbert Clarke			
HB 4435	Appropriations; community colleges; community and junior colleges; provide for fiscal year 2009-2010.	Hardiman Garcia Clark-Coleman	Miller Bauer Booher		9/23/2009
HB 4436	Appropriations; community health; department of community health; provide for fiscal year 2009-2010.	Kahn Pappageorge Cherry	McDowell Hammel Green		
HB 4437	Appropriations; corrections; department of corrections; provide for fiscal year 2009-2010.	Cropsey Kahn Brater	Smith Durhal Proos		
HB 4438	Appropriations; education; department of education; provide for fiscal year 2009-2010.	Jelinek Brown Switalski	Terry Brown Cushingberry Moss		
HB 4441	Appropriations; higher education; higher education; provide for fiscal year 2009-2010.	Stamas George Barcia	Bauer Cushingberry Caul		
HB 4446	Appropriations; natural resources; department of natural resources; provide for fiscal year 2009-2010.	McManus Jelinek Brater	Lahti Espinoza Booher		
HB 4447	Appropriations; school aid; school aid appropriations; provide for fiscal year 2009-2010.	Jelinek Brown Switalski	Terry Brown Cushingberry Moss		